

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ESTATE OF ROGER D. OWENSBY,	*	CASE NO. C-1-01-769
		(Judge S. Arthur Spiegel)
Plaintiff	*	
vs.	*	<u>AFFIDAVIT OF NEIL F. FREUND</u>
CITY OF CINCINNATI, et al.	*	
Defendants	*	


STATE OF OHIO)
) ss:
COUNTY OF MONTGOMERY)

Neil F. Freund, being first duly sworn, deposes and states as follows:

1. I am an adult of sound mind and body and have served as lead counsel in the above-captioned lawsuit.
2. On December 17, 2004, plaintiff's counsel Paul B. Martins attended my deposition cross-examination of Hamilton County Deputy Coroner Daniel L. Schultz, M.D. At that time, I cross-examined Dr. Schultz extensively regarding decedent's cause of death. Specifically, I questioned Dr. Schultz at length whether decedent could have experienced sudden cardiac death as a result of a cardiac arrhythmia, as opposed to mechanical asphyxiation.
3. The attached January 7, 2004 letter to opposing counsel Paul B. Martins identifying Defendants' expert witnesses was sent in the ordinary course of business on the date set forth.
4. The expert reports of Tom Neuman, M.D. and Joseph Callanan were sent via facsimile on March 8, 2004 as well as by Federal Express on the same day, which additionally included the experts' curriculum vitae. The expert report of Charles Wetli, M.D. was sent via facsimile on March 9, 2004 as well as by Federal Express on the same day, which additionally included the expert's curriculum vitae.
5. The undersigned also cross-examined Cyril Wecht, M.D. on sudden cardiac death on February 25, 2004.

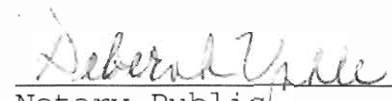
6. The attached affidavit of Dr. Charles Wetli was filed in Case No. C-1-02-374, United States District Court, Southern District, Western Division, R. Blane Jorg v. City of Cincinnati, May 28, 2003 and became a matter of public record.

FURTHER AFFIANT SAYETH NAUGHT



Neil F. Freund

Sworn to before me and subscribed in my presence this 29th day of March, 2004.



Notary Public
State of Ohio
My Commission Expires:

DEBERAH K. YAHLE, Notary Public
In and for the State of Ohio
My Commission Expires May 25, 2004